

PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 05/2015)

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

SHAWN ADAMS # 799067

Plaintiff's Name and ID Number

POLUNSKY UNIT-TDCJ-ID

Place of Confinement

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
FEB 28 2019  
BY  
DEPUTY  
CASE NO. \_\_\_\_\_  
(Clerk will assign the number)

v.  
SONJA WALLACE CO V- Individually and Officially  
CHRISTOPHER A. TIMMERMAN CO V- Individually and Officially  
TDCJ-ID Polunsky Unit 3872 FM 350 South Livingston, TX 77351

9:19cv29

Defendant's Name and Address  
TERESA JEFFERSON- Asst Warden- Individually and Officially  
TRACI MAYS-CO V- Property Officer- Individually and Officially  
TDCJ-ID Polunsky Unit 3872 FM 350 South Livingston, TX 77351

Defendant's Name and Address  
TODD HARRIS- Warden- Individually and Officially  
ASHLEY STEPHENSON- Grievance Officer- Individually and Officially  
TDCJ-ID Polunsky Unit 3872 FM 350 South Livingston, TX 77351

Defendant's Name and Address

(DO NOT USE "ET AL.")

**INSTRUCTIONS - READ CAREFULLY**

**NOTICE:**

**Your complaint is subject to dismissal unless it conforms to these instructions and this form.**

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

**FILING FEE AND *IN FORMA PAUPERIS* (IFP)**

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of **\$400.00**.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

**CHANGE OF ADDRESS**

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

**I. PREVIOUS LAWSUITS:**

- A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? YES X NO
- B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
  1. Approximate date of filing lawsuit: \_\_\_\_\_
  2. Parties to previous lawsuit:
   
Plaintiff(s) \_\_\_\_\_
   
Defendant(s) \_\_\_\_\_
  3. Court: (If federal, name the district; if state, name the county.) \_\_\_\_\_
  4. Cause number: \_\_\_\_\_
  5. Name of judge to whom case was assigned: \_\_\_\_\_
  6. Disposition: (Was the case dismissed, appealed, still pending?) \_\_\_\_\_
  7. Approximate date of disposition: \_\_\_\_\_

II. PLACE OF PRESENT CONFINEMENT: TDCJ-ID-Polunsky Unit 3872 Fm 350 South Livingston, TX 77351

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure? X YES    NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: SHAWN ADAMS # 799067

Polunsky Unit- 3872 FM 350 South Livingston, TX 77351

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: SONJA WALLACE, CO V, Individually and Officially and acting under the color of  
state law- TDCJ-ID- Polunsky Unit 3872 FM 350 South Livingston, TX 77351

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

During bi-annual unit shakedown- confiscated my radio without due process.

Defendant #2: CHRISTOPHER A. TIMMERMAN CO V- Individually and Officially and acting under  
the color of state law- Polunsky Unit 3872 FM 350 South Livingston, TX 77351

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

During bi-annual unit shakedown caused my radio to be confiscated without due process.

Defendant #3: TERESA JEFFERSON- Asst Warden- Individually and Officially acting under the  
color of state law- Polunsky Unit 3872 FM 350 South Livingston, TX 77351

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Failed to properly investigate and resolve my grievances resulting in my radio being destroyed without due process.

Defendant #4: TRACI MAYS CO V- Property Officer- Individually and Officially and acting under the  
color of state law- Polunsky Unit 3872 FM 350 South Livingston, TX 77351

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

In agreement and participation with the other defendants, destroyed my radio without due process.

Defendant #5: TODD HARRIS Asst Warden- Individually and Officially and acting under the color  
of state law- Polunsky Unit 3872 FM 350 South Livingston, TX 77351

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

After being informed of my complaint failed to ensure all policy was followed resulting in my radio being destroyed without due process.

Defendant #6: ASHLEY STEPHENSON, Grievance Officer- Individually and Officially acting under the  
color of state law- Polunsky Unit 3872 FM 350 South Livingston, TX 77351

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Acting individually and in agreement with the other defendants refused and failed to properly process my grievances, resulting in my radio being destroyed without due process.

## V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

See Attached Pages

## VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

A declaration that the defendants acts and omissions violated my constitutional rights; replace my radio or compensate the \$20 purchase price and \$2 per day for each day I was deprived of the use and enjoyment of my radio; \$250 punitive damage per defendant, my costs of this suit, and any other relief entitled.

## VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

SHAWN ADAMS (Aliases); BAVARAIN PHENIQUES ADAMS (Birth Name)

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

#799067, #552985

## VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES X NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): \_\_\_\_\_

2. Case number: \_\_\_\_\_

3. Approximate date sanctions were imposed: \_\_\_\_\_

4. Have the sanctions been lifted or otherwise satisfied? YES NO

C. Has any court ever warned or notified you that sanctions could be imposed? \_\_\_\_\_ YES X NO

D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)

1. Court that issued warning (if federal, give the district and division): \_\_\_\_\_

2. Case number: \_\_\_\_\_

3. Approximate date warning was issued: \_\_\_\_\_

SHAWN ADAMS # 799067

Polunsky Unit

3872 FM 350 South Livingston, TX 77351

Executed on: X 2-21-19  
DATE

Shawn Adams  
(Signature of Plaintiff)

### PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this X 21 day of X Feb, 20 X 19.  
(Day) (month) (year)

SHAWN ADAMS #799067

Polunsky Unit

3872 FM 350 South Livingston, TX 77351

X Shawn Adams  
(Signature of Plaintiff)

**WARNING:** Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.

STATEMENT OF CLAIM

1. On 4-23-18, in the 19 building gym during the bi-annual unit shakedown, officer Timmerman and officer Wallace were shaking down my property and told me that I needed to place all of my property, including legal work, in the sizing bin. This has not been the past practice for legal work; in which I attempted to explain to officer Timmerman and he replied, "I don't care! put your legal work in the bin or lose it." Officer Wallace then asked officer Timmerman, "Is this one being mouthy?" Officer Timmerman replied, "Yes" and officer Wallace said, "In that case this radio looks like contraband to me so why don't we confiscate it and see how he likes doing the rest of lockdown without it?" Officer Timmerman replied, "That sounds good to me."

2. Neither officer Wallace nor officer Timmerman provided me with confiscation papers or disciplinary case for possession of contraband, dangerous or otherwise for my radio. Officer Wallace and officer Timmerman confiscated bundles of legal work and a pair of Rhino boots, for which they provided me with confiscation papers.

3. Petitioner contends that he has owned and possessed this radio for approximately twenty years; has gone through, at least, forty shakedowns with this radio; this radio was not altered in any way. This radio was not contraband and there was no legitimate reason for officer Wallace or officer Timmerman to confiscate this radio.

4. On 4-25-18, Petitioner filed a Step 1 grievance #2018130151 (exhibit A) attached, addressing this issue. Also see (exhibit D)



letter to warden Jefferson; by which I personally handing this grievance to Ms. Allen-Grievance Dept., while she was picking up grievances from the dorms during lockdown. Petitioner also sent Defendant Mays an I-60 requesting back the return of property (exhibit E). This grievance was assigned to A. Stephenson for processing.

5. On 5-7-18, Petitioner received grievance #2018130151 (exhibit A) back as improperly submitted as having been received on 5-3-18 and in excess of the one grievance every seven day policy. Apparently, this grievance was held for eight days before being date stamped received. It is signed by defendant A. Stephenson-Grievance officer.

6. Because proper grievance procedures were not being followed, Petitioner wrote Assistant Warden Teresa Jefferson a formal complaint letter (exhibit D) requesting that she view video footage of me handing grievances to Ms. Allen, investigate and address this issue presented.

7. Petitioner also submitted grievance #2018130151.

8. To the best of Petitioner's recollection, on or about 5-24-18 Petitioner was given a lay-in to report to the property office. When Petitioner arrived at the property office, Property officer Mays returned to Petitioner all sixteen bundles of legal work and Rhino boots that had been confiscated by officer Wallace and officer Timmerman on 4-23-18. When Petitioner inquired about the return of his radio that had been confiscated at the same time, Property officer Mays replied, "You are not here for that" and would not provide further explanation.

9. On 6-14-18, Petitioner received back grievance #2018127446 (exhibit B) which answer in part: "Your grievance has been referred to unit Administration and investigated. It was determined that during bi-annual unit shakedown on April 23, 2018, 16 bundles of legal work that would not fit into sizing bin was confiscated for excessive amount, as well as a radio was confiscated altered and dangerous. It was determined that your property was properly confiscated and handled in accordance with policy and procedures...For this reason the items will not be returned." This grievance is signed by defendant Jefferson and it is clear that had this grievance been properly investigated, defendant Jefferson would have known that all items confiscated on 4-23-18, except Petitioner's radio had, in fact, been returned.

10. On 6-18-18, Petitioner received back grievance #2018130151 (exhibit A) which states in pertinent part "Your grievance has been investigated. Property recods reflect the radio in question was confiscated on April 23, 2018, due to extra wiring. This radio was deemed altered and dangerous contraband, therefore; was properly destroyed in accordance with policy and procedures." This grievance is also signed by defendant Jefferson. Petitioner reiterates he was never provided a copy of confiscation papers for his radio, he was not written a disciplinary case for possession of dangerous contraband where he would have been required to offer the radio into evidence and either proven the radio had been altered or given the petitioner the opportunity to prove that it had not. Petitioner also reiterates that he had possessed this radio for approximately twenty years (see exhibit E,



property papers) it has passed inspection through at least forty-shakedowns and had not been altered in anyway.

11. On 6-22-18, Petitioner filed his step 2 grievance (exhibit F) appealing the decision in grievance #2018130151.

12. After waiting approximately fifty days without a response to the step 2 grievance, on 8-9-18, Petitioner sent an I-60 request to the Polunsky unit grievance office requesting an update status of his step 2 grievance appealing the decision in grievance #2018305151. (I-60 EXHIBIT H)

13. After waiting approximately another five days with no response from the Polunsky unit grievance office, on 8-14-18, in a final attempt to informally resolve this issue, Petitioner sent defendant Harris a formal complaint letter with copies of step 1 and step 2 grievances (exhibit G), as well as a formal complaint letter with copies of his step 1 and step 2 grievances to the Resolution Support Manager Offenders Grievance Program in Huntsville. Defendant Harris never responded to Petitioner's complaint.

14. On 8-22-18, Petitioner received back in the mail, his properly filed step 2 grievance (exhibit F) completely unprocessed and no explanation why it was being returned to Petitioner unprocessed long after the date a response was required. The only indication of any handling by the grievance office is the July 3, 2018 stamp, which clearly indicates Petitioner's step 2 grievance #2018130151 was timely filed.

15. On 9-17-18, Petitioner received a response from the Administrative Review and Risk Management Offender Grievance Central

Office, Huntsville, Texas which included the documents forwarded to them by Petitioner on 8-14-18 and stamped received 8-17-18 (exhibit I) which states (This issue was addressed in grievance #2018130151 step 1 was returned to you on 6-18-18. No step 2 filed).

16. Plaintiff contends that all time relevant to this suit, all of the defendants acted under the color of state law and knew or reasonably should have known their actions to violate Plaintiff's well settled constitutional rights. Further; Plaintiff contends that had defendants, at any time within this process, either afforded Plaintiff an opportunity to demonstrate his radio was not contraband and returned it or properly process Plaintiff grievance and replaced his radio after discovering it had been improperly destroyed this matter would be settled. However; defendants refusal forces Plaintiff to seek proper redress by budening this court's time and judicial resources.



Original EXHIBIT A  
**STEP 1** GRIEF

Offender Name: Shawn Adams TDCJ # 799067  
 Unit: Polunsky Housing Assignment: 19-Y-50  
 Unit where incident occurred: Polunsky

Grievance #: 2018/30151  
 Date Received: MAY 09 2018  
 Date Due: 6-18-18  
 Grievance Code: 512  
 Investigator ID #: I1868  
 Extension Date: \_\_\_\_\_  
 Date Ret'd to Offender: JUN 18 2018

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? Lt Newberry MAY 03 2018 When? 4-23-18  
 What was their response? Encouraged the taking of Property MAY 03 2018  
 What action was taken? None MAY 03 2018

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

On 4-23-18, 19 Bldg Gym at approximately 12:35 P.M. in the course of Shakedown Officer Wallace did knowingly violated P.D. # 22 Employees General Rules of Conduct and the Administrative Directory, with a direct violation of the following; Rule # 7: Sub-standard Duty Performance; Rule # 13: Failure to obey posted order from Authority; Rule # 15: Theft of Personal Property (TX Penal Code 37.04) Rule # 20: Statutory Court order, Rules, Regulation, and Policy; Rule # 23: Mistreatment of offender and also A.D. 03.72 Offenders Property.

The function of the grievance is to resolve the problem of offenders and a tool for administration to determine whether or not their policies are carried out. MAY 03 2018

On date, location and time above in the process of shaking my property down did knowingly and intentionally violated the above policies and procedures in order to deprive me of personal property purchased through the commissary and commit theft of personal property by taking my personal "radio" giving no reason for doing so or providing Prop-08 Form (Disposition of Confiscation of Offenders Property) In accordance with A.D. 03.72. There is nothing indicated within A.D. 03.72 offenders Property that could justify Officer Wallace not providing me with confiscation forms and a avenue to contest or dispose of personal purchase from the commissary. Being that I owned this radio for 20 years and been through at least 40 lock downs and shake downs their couldn't be any thing that would

pose a danger to the agency, staff or offenders.

MAY 03 2018

MAY 03 2018

## Action Requested to resolve your Complaint.

That radio be returned to me and that officer Wallace be made aware of and adhered to policy in the future.

Offender Signature: Shaun Adams

Date: 4-24-18

MAY 03 2018

## Grievance Response:

Your grievance has been investigated. Property records reflect the radio in question was confiscated on April 23, 2018, due to extra wiring. The radio was deemed as altered and dangerous contraband; therefore was properly destroyed in accordance with policy and procedure and will not be returned for this reason. No further action deemed warranted by this office.

## Signature Authority:

Jesse Jefferson

Date: 6/18/18

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: \*Resubmit this form when the corrections are made.

- ☐ 1. Grievable time period has expired.
- ☒ 2. Submission in excess of 1 every 7 days. \*
- ☐ 3. Originals not submitted. \*
- ☐ 4. Inappropriate/Excessive attachments. \*
- ☐ 5. No documented attempt at informal resolution. \*
- ☐ 6. No requested relief is stated. \*
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. \*
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # \_\_\_\_\_
- ☐ 10. Illegible/Incomprehensible. \*
- ☐ 11. Inappropriate. \*

UGI Printed Name/Signature:

A. J. Stephenson

MAY 03 2018

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: \_\_\_\_\_

## OFFICE USE ONLY

Initial Submission UGI Initials: AS

Grievance #: 2018127469

Screening Criteria Used: 599/2

Date Recd from Offender: MAY 03 2018

Date Returned to Offender: MAY 03 2018

2<sup>nd</sup> Submission UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

3<sup>rd</sup> Submission UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_



Texas Department of Criminal Justice

original

## STEP 1

OFFENDER  
GRIEVANCE FORM

EXHIBIT B

Offender Name: Shawn Adams TDCJ # 799067  
 Unit: Polunsky Housing Assignment: 19-Y-50  
 Unit where incident occurred: Polunsky

OFFICE USE ONLY	
Grievance #:	<u>2018127446</u>
Date Received:	<u>MAY 03 2018</u>
Date Due:	<u>6-12-18</u>
Grievance Code:	<u>513</u>
Investigator ID #:	<u>I/868</u>
Extension Date:	<u>7-22-18</u>
Date Retd to Offender:	<u>JUN 14 2018</u>

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? Lt New Berry / I-60 to Lt Naze When? 4-23-18 / 4-25-18

What was their response? Encourage the taken of Lt Juscy / Yet to respond

What action was taken? None

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate.

This grievance is to be held in compliance of all grievance rules policies & procedures. [See Audit Report T.D.C.J.-ID Complaint Resolution & Investigation Function-Texas State Auditors Office Report No:09-007] [Sept 08]

On 4-23-18, 19 Bldg Bym, at approximately 12:35 P.M. Officer Wallace & Officer Timmerman did knowingly violated the following P.D.#22 & A.D. policies, Rule #7 Substandard Duty Performance; Rule #13 Failure to Obey Posted Order from Authority; Rule #20 Statutory Court Order, Rules, Regulation & Policies; Rule #23 Mistreatment of offender and also A.D. 03.72 Offender Property.

On date, location: time above Officer Wallace & Officer Timmerman told me that I needed to pack my personal property. Legal work into a red egg crate or property would be confiscated for being Improperly Stored. I attempted to explain to Officers that this wasn't in compliance to A.D. 03.72 Offender Property. There are 5 points of error in this action Per A.D. 03.72 Offender Property. #1 The sizing bin is only mention 2 times within A.D. 03.72, 1<sup>st</sup> in the definition section "To enable unit staff to measure volume of an offender's <sup>Property</sup> contained in a mesh bag prior to Transfer and in section VI- Confiscation of Offender Personal Property B. Departure from unit Transfer b.) to be ready for Transfer; #2 IV-Storage Requirement, A. Offender Storage Container/Area "In the event of an emergency Evacuation, offender required to Leave their property at the unit. This is not for space provided in the cell/housing area; That would fall under #3 IV 2 A. Which states "The total volume of an offender property must be placed in the closable storage container - in housing area, not red egg crate" #4 It states in VI-D, Excessive Amount "Property in excess of the quantity



Should be indicated on the Prop-ol Form. My property was never compared to a Prop-ol Form #5. My property cannot be considered "Improperly Stored" while in the Gym for Shakedown. It can only be properly stored or viewed as such in housing/Cell area, nor be considered Excessive Amount Without a Prop-ol Form. When property is deemed excessive Per A.D. 03.72 the property officer is to come to cell & view whether it can fit or returned if there is available room. Per A.D. 03.72: Sizing bin measuring property allowance is strictly to be used for Transfer and Transport.

**Action Requested to resolve your Complaint.**

That property be returned to me; that officers be made aware & adhered to policy & procedure Per A.D. 03.72

Offender Signature: Shawn Adams

Date: 5-3-18

**Grievance Response:**

Your grievance has been referred to Unit Administration and investigated. Upon investigation it was determined that during bi-annual unit shakedown, all property items are to be placed in the sizing bins, excluding, one pair of shoes, state issued items, non-combustible items (such as typewriter, radio, fan), items authorized to be stored on the shelf, one picture, one calendar, and maximum of three poster boards or canvases per offender. Legal material is to be placed in the sizing bin, unless additional storage is approved through the Unit Law Library, in which will be in a yellow bag or storage bag (yellow bag/storage box for legal will be kept separate and not included with sizing bin property). Property records reflect on April 23, 2018 16 bundles of legal work that would not fit into the sizing bin was confiscated for excessive amounts, as well as a radio was confiscated for altered and dangerous. It was determined your property was properly confiscated and handled in accordance with policy and procedure. Offenders have seven days to make room for items taken for excessive amounts, which you failed to do. The radio was deemed dangerous. For these reasons the items will not be returned. No staff misconduct or policy violations found. No further action deemed warranted by this office.

Signature Authority: Debra Jefferson

Jefferson AW Date: 6.14.18

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: \*Resubmit this form when the corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days. \*
- ☐ 3. Originals not submitted. \*
- ☐ 4. Inappropriate/Excessive attachments. \*
- ☐ 5. No documented attempt at informal resolution. \*
- ☐ 6. No requested relief is stated. \*
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. \*
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # \_\_\_\_\_
- ☐ 10. Illegible/Incomprehensible. \*
- ☐ 11. Inappropriate. \*

UGI Printed Name/Signature: \_\_\_\_\_

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: \_\_\_\_\_

**OFFICE USE ONLY**

Initial Submission UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

2<sup>nd</sup> Submission UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

3<sup>rd</sup> Submission UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_



## TEXAS DEPARTMENT OF CRIMINAL JUSTICE — INSTITUTIONAL DIVISION

**INMATE REQUEST TO OFFICIAL**

REASON FOR REQUEST: (Please check one)

PLEASE ABIDE BY THE FOLLOWING CHANNELS OF COMMUNICATION. THIS WILL SAVE TIME, GET YOUR REQUEST TO THE PROPER PERSON, AND GET AN ANSWER TO YOU MORE QUICKLY.

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Unit Assignment, Transfer (Chairman of Classification, Administration Building)   | 5. <input type="checkbox"/> Visiting List (Asst. Director of classification, Administration Building)   |
| 2. <input type="checkbox"/> Restoration of Lost overtime (Unit Warden-if approved, it will be forwarded to the State Disciplinary Committee)                    | 6. <input type="checkbox"/> Parole requirements and related information (Unit Parole Counselor)   |
| 3. <input type="checkbox"/> Request for Promotion in Class or to Trusty Class (Unit Warden- if approved, will be forwarded to the Director of Classification)   | 7. <input type="checkbox"/> Inmate Prison Record (Request for copy of record, information on parole eligibility, discharge date, detainers-Unit Administration) |
| 4. <input type="checkbox"/> Clemency-Pardon, parole, early out-mandatory supervision (Board of Pardons and Paroles, 8610 Shoal Creek Blvd. Austin, Texas 78757) | 8. <input type="checkbox"/> Personal Interview with a representative of an outside agency (Treatment Division, Administration Building)                         |

TO: Ms. Maze (A-Side Property Officer) DATE: 4-25-18  
(Name and title of official)

ADDRESS: \_\_\_\_\_

EXHIBIT C

EXHIBIT D

Warden Jefferrson

10:54 P.M.  
5-7-18

I would like to bring to your attention that Officer Wallace, Officer Timmerman and the Grievance Office have deliberately violated T.D.C.J.-ID Policies, Rules and Texas Penal Code, with the intent to deprive me of my personal property purchased from the Commissary.

On 4-23-18, 19 Bldg Gym, at approximately 12:35 P.M., several violations took place regarding the mention Policies and Texas Penal Code. I attempted to address these violations by way of the grievance procedures. Enclosed are 1 of the copies of the 2 grievances addressing separate issues and the I-60 that I sent to the Property Officer Ms. Maze.

The 1<sup>st</sup> grievance regarding the Theft of my "Radio" was given to Ms. Allen (Grievance Office) on 4-25-18, at approximately 7:47 A.M. by me person. The 2<sup>nd</sup> grievance was given to Ms. Allen on 5-3-18 at approximately 7:36 A.M. by me. You can confirm the handing of grievances by viewing the camera for date and time, sta

On 5-7-18 at mail call I received the 1<sup>st</sup> grievance back stamped May 03, 2018 stating reason for rejection is "Submission In → Nex pa;

17  
EXHIBIT D

Excess of 1 every 7 Days". The fact that this was the 1<sup>st</sup> grievance given to MS. Allen on 4-25-18, at 7:47 A.M., the only conclusion that can be made is that the grievance department held back on the filing of the 1<sup>st</sup> and primary grievance to assist covering up the Theft of my personal property and deny me access to the courts. I must also bring to your attention that the last 2 prior grievance filed dealing with property have came up missing, which Officer Wallace was the subject of 1 of the missing grievance.

Per. T.D.C.J-ID grievance I'm re-submitting grievance #2018127469, Screening #59912, Its my hope that you will take the date and times stated and look into this matter to ensure I'm given my due process, . . . . ;  
I leave as I came!

Respectfully  
Shawn Adams #799067  
Mailed 5-8-18

EXHIBIT E

## REGISTRATION

Date:

7-30-98

KJL

Item: RADIO

Brand: CENTURION Model: ELICCOX

Description: CLEAR BACK CLOCK RADIO

Name: Adams, Shawn Number: 799067

Witness: [Signature]

Incoming From: CONNALLY UNIT

CONNALLY UNIT

G/P PROPERTY

This copy must be kept in your possession at all times and must be presented to inspecting officer upon your departure from this unit. Item may not be sold transferred without permission of the Warden.



## Texas Department of Criminal Justice

## STEP 2

OFFENDER  
GRIEVANCE FORM

Offender Name: Shawn Adams TDCJ # 799067  
Unit: Polunsky Housing Assignment: 19-V-50  
Unit where incident occurred: Polunsky

## OFFICE USE ONLY

Grievance #: \_\_\_\_\_  
UGI Recd Date: \_\_\_\_\_  
HQ Recd Date: \_\_\_\_\_  
Date Due: \_\_\_\_\_  
Grievance Code: \_\_\_\_\_  
Investigator ID#: \_\_\_\_\_  
Extension Date: \_\_\_\_\_

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific). I am dissatisfied with the response at Step 1 because...

I'm appealing Grievance #2018130151 based on the fact that the Step 1 grievance and destroying of my personal purchased property is a direct violation and in conflict with A.D. 03.72 offenders Property and my Due Process

If property was considered contraband in accordance to Rule 16.0 "Possession of Contraband" A. and B. and A.D. 03.72 Offender Property I would have had to receive a disciplinary case, radio would have been turned over to O.I.G. for their viewing and through the disciplinary procedures officer Wallace would have to prove how she's qualified to make such determination and I could prove that my radio was not altered nor dangerous as alleged.

The fact that I didn't receive a disciplinary case, had my radio for a period of 20 years not creating a problem or jeopardizing institutional safety or security, there's nothing that could justify Officer Wallace taking my radio not giving me confiscation papers or the property officer destroying my radio, depriving me of my radio without my right to Due Process through the grievance process and courts

Offender Signature: Shaun AdamsDate: 6-21-18

Grievance Response:

Signature Authority: \_\_\_\_\_

Date: \_\_\_\_\_

Returned because: *\*Resubmit this form when corrections are made.*

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible.\*
- ☐ 3. Originals not submitted. \*
- ☐ 4. Inappropriate/Excessive attachments.\*
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language.
- ☐ 6. Inappropriate.\*

CGO Staff Signature: \_\_\_\_\_

**OFFICE USE ONLY****Initial Submission**

CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

**2<sup>nd</sup> Submission**

CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

**3<sup>rd</sup> Submission**

CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_



5:22 P.M

8-14-18

Warden: Harris

I'm writing as a last attempt to resolve the issue of Theft of Personal Property committed by Officer: Wallace here on the Polunsky Unit and exhaust my administrative remedies as required by the Prison Litigation Reform Act, that would allow me to file suite Under Title 42 USC section 1983 in Federal District Court and a Criminal Complaint under Texas Penal Code 31.03 Theft of Personal Property with the Polk County District County Office.

on 4-23-18, 19 Bldg Gym, at approximately 12:45 P.M. here on the Polunsky Unit, Officer: Wallace confiscated my radio (headphones, coax cable connected) without cause or providing Confiscation papers. I attempted to address the issue by way of a Step 1 Grievance, which the grievance was initially held for a period of 8 days before being sent back, after I filed a 2<sup>nd</sup> grievance for a separate issue, Reason: "Submission excess 1 every 7 Days". Once that it became clear that the Grievance Department here on the Polunsky Unit attempt to prevent the filing of the grievance deny me access to the courts, violate my Due Process and relieve Officer: Wallace of her obligation to adhered to and follow established policies and rules, I then filed a Formal Complaint to Warden: Jefferson. She then ensured that both grievances was filed and addressed.

The 1<sup>st</sup> and primary grievance concerning the Theft of Property states that my radio was confiscated due to extra wiring, deemed as altered and dangerous contraband, therefore was destroyed in accordance with policy, → next page

on 6-22-18, I placed my Step 2 Grievance in the box here on the Polunsky Unit as required, addressing the fact that property was not handled Per Policy A.D. 03.72 Offender Property and my Due Process was violated as explained in: Evans v. Baker 442 Fed Appx 108 (5<sup>th</sup> Cir 2011) cert 132 SCT 113 and Allen v. Thomas 388 F3d 147 (5<sup>th</sup> Cir 2004). The 5<sup>th</sup> and 14<sup>th</sup> Amendment protects against confiscation of offender Property. As Warden Jefferson states in my Step 1 Grievance, my Property was taken and destroyed "Per Policy." [Enclosed is a copy of Step 1 & 2, Formal Complaint and I-60 to Grievance Department.] As such my Due Process Rights were Violated and 42 USC 1983 allows Civil Action to be brought in Federal Court regardless of any State Remedy.

Being that the time since I placed the Step 2 Grievance in the grievance box (6-22-18) have exceeded a period of 40 days without a response nor a notice of extension of time, please note that I am placing this Notice of Intent in the Mail Box Aug. 15, 2018 and I will allow 15 working days starting Aug. 17, 2018 to receive a response or the locating of the Step 2 Grievance before I proceed with a suite in Federal Court and a Criminal Complaint with the Polk County District Attorney Office.

I look forward to your timely response, ...  
I leave as I came!

Respectfully  
Shawn Adams  
#799067



# Texas Department of Criminal Justice

## STEP 1 OFFENDER GRIEVANCE FORM

**OFFICE USE ONLY**

Grievance #: \_\_\_\_\_

Date Received: \_\_\_\_\_

Date Due: \_\_\_\_\_

Grievance Code: \_\_\_\_\_

Investigator ID #: \_\_\_\_\_

Extension Date: \_\_\_\_\_

Date Retd to Offender: \_\_\_\_\_

Offender Name: Shawn Adams TDCJ # 799067

Unit: Polunsky Housing Assignment: 19-Y-50

Unit where incident occurred: Polunsky

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? Lt. Newberry When? 4-23-18

What was their response? Encourage the taking of Property

What action was taken? None

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

On 4-23-18, 19 Bldg Gym at approximately 12:45 in the course of shake down Officer: Wallace did knowingly violated P.D. #22 Employees General Rules of Conduct and Administrative Directory, with a violation of the following Rule #7 Substandard Duty Performance Rule #11 Theft of Personal Property (Texas Penal code 31.03); Rule #13 Failure to obey posted orders from Authority; Rule #20 Statutory court order Rules and Regulation and Policies; Rule #23 Mistreatment of offender; and also A.D. 03.72 Offender Property.

The function of the grievance is to resolve the problem of offenders and a tool for administration to determine whether or not their policies are carried out.

On date, location and time above in the process of shaking my property down Officer: Wallace did knowingly and intentionally violated the above policies and procedures in order to deprive me of personal property purchased by taking my personal "radio" giving no reason for doing so or providing Prop-08 Form (Disposition of Confiscation of Offenders Property) in accordance with A.D. 03.72

There is nothing indicated within A.D. 03.72 offender Property that could justify officer: Wallace not providing me with confiscation forms and a avenue to contest or dispose of personal purchase from the commissary. Being that I owned this radio for 20 years and been through at least 40 lock downs and shake downs their couldn't be anything that would pose a danger to the agency

staff or offenders

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Action Requested to resolve your Complaint.

That radio be returned to me and that officer Wallace be made aware of and adhered to policy in the future

Offender Signature: Shawn Adams

Date: 4-24-18

Grievance Response:

Signature Authority: \_\_\_\_\_

Date: \_\_\_\_\_

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: \*Resubmit this form when the corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days. \*
- ☐ 3. Originals not submitted. \*
- ☐ 4. Inappropriate/Excessive attachments. \*
- ☐ 5. No documented attempt at informal resolution. \*
- ☐ 6. No requested relief is stated. \*
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. \*
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # \_\_\_\_\_
- ☐ 10. Illegible/Incomprehensible. \*
- ☐ 11. Inappropriate. \*

UGI Printed Name/Signature: \_\_\_\_\_

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: \_\_\_\_\_

I-127 Back (Revised 11-2010)

### OFFICE USE ONLY

Initial Submission UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

2<sup>nd</sup> Submission UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

3<sup>rd</sup> Submission UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

Appendix



Copy 25 EXHIBIT E



## Texas Department of Criminal Justice

## STEP 2

OFFENDER  
GRIEVANCE FORM

## OFFICE USE ONLY

Grievance #: \_\_\_\_\_

UGI Recd Date: \_\_\_\_\_

HQ Recd Date: \_\_\_\_\_

Date Due: \_\_\_\_\_

Grievance Code: \_\_\_\_\_

Investigator ID#: \_\_\_\_\_

Extension Date: \_\_\_\_\_

Offender Name: Shawn Adams TDCJ# 799067Unit: Polunsky Housing Assignment: 19-Y-50Unit where incident occurred: Polunsky

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific). I am dissatisfied with the response at Step 1 because...

I'm appealing Grievance #201813015 based on the fact that the Step 1 grievance and destroying of my personal purchased property is a direct violation and in conflict with A.D. 03.72 Offender Property and my Due Process.

If property was considered Contraband in accordance to Rule 16.0 "Possession of Contraband" A. and B. and A.D. 03.72 Offender Property I would have had to receive a disciplinary case, radio would have ~~had~~ been turned over to O.I.G. for their viewing and through the disciplinary procedures Officer Wallace would have to prove how she's qualified to make such a determination and I could prove that my radio was not altered nor dangerous as alleged.

The fact that I didn't receive a disciplinary case, had my radio for a period of 20 years not creating a problem or jeopardizing institutional safety or security, there's nothing that could justify Officer Wallace taking my radio, not giving me confiscation papers or the property Officer destroy my radio, depriving me of my radio without my right to Due Process through the grievance process and courts.

AUG 17 2018





**INMATE REQUEST TO OFFICIAL**

REASON FOR REQUEST: (Please check one)

PLEASE ABIDE BY THE FOLLOWING CHANNELS OF COMMUNICATION. THIS WILL SAVE TIME, GET YOUR REQUEST TO THE PROPER PERSON, AND GET AN ANSWER TO YOU MORE QUICKLY.

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Unit Assignment, Transfer (Chairman of Classification, Administration Building)   | 5. <input type="checkbox"/> Visiting List (Asst. Director of classification, Administration Building)   |
| 2. <input type="checkbox"/> Restoration of Lost overtime (Unit Warden-if approved, it will be forwarded to the State Disciplinary Committee)                    | 6. <input type="checkbox"/> Parole requirements and related information (Unit Parole Counselor)   |
| 3. <input type="checkbox"/> Request for Promotion in Class or to Trusty Class (Unit Warden- if approved, will be forwarded to the Director of Classification)   | 7. <input type="checkbox"/> Inmate Prison Record (Request for copy of record, information on parole eligibility, discharge date, detainers-Unit Administration) |
| 4. <input type="checkbox"/> Clemency-Pardon, parole, early out-mandatory supervision (Board of Pardons and Paroles, 8610 Shoal Creek Blvd. Austin, Texas 78757) | 8. <input type="checkbox"/> Personal Interview with a representative of an outside agency (Treatment Division, Administration Building)                         |

to: Grievance Department

(Name and title of official)

DATE: 8-9-18

ADDRESS: \_\_\_\_\_

AUG 17 2018

EXHIBIT H

EXH 28 IT I

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE**  
**Inter-Office Communication**  
**Administrative Review and Risk Management**  
**Offender Grievance**

REP 13 2018

TO: Adams, Shawn

TDCJ #: 799067

UNIT: TL

FROM: Central Grievance Office

UH

SUBJECT: Correspondence

Your documents received in this office have been reviewed and a response is indicated below. Contact the warden, major, chief of classification or a security officer for issues you deem as an emergency; however, are not considered an emergency, through the Offender Grievance Procedure. **If you need additional information or assistance, you may contact the Unit Grievance Investigator at your unit.**

- ☐ Your correspondence was received at the Central Grievance Office and has been forwarded to Unit Administration for further review.
- ☐ Your correspondence was forwarded to this office by the Ombudsman's Office. That office does not respond to offender complaints or requests.
- ☐ Please utilize the Offender Grievance Procedure to address your concerns.
- ☐ A copy of the Instructions on How to Submit Grievances is enclosed for your information.
- ☐ Your Step 1 grievance(s) was proper.
- ☐ Direct this issue to the Classification and Control Office.
- ☐ Direct this issue to the Parole Board.
- ☐ It is not permissible to mail your grievances directly to the Central Grievance Office. Submitting your grievances incorrectly may result in your grievable time to expire.
- ☐ This issue is currently being addressed by unit officials. Grievance # \_\_\_\_\_ is under review at Step \_\_\_\_\_.
- ☐ These issues have been reviewed at both steps of the grievance procedure. No other administrative remedies are available to you regarding the issue. Further action by this office is not warranted.
- ☐ Records indicate that Grievance # \_\_\_\_\_ was returned to you on \_\_\_\_\_.
- ☒ Attachments returned.

X This issue was addressed in grv # 2018130151. Step 1 was returned to you on 6-18-18. No Step 2 filed.

EXHIBIT I

Resolution Support Manager  
Offender Grievance Program  
P.O. Box 99  
Huntsville, TX 77342

8-14-18

Dear Sir/Madam

I'm writing as a last attempt to resolve the issue of Theft of Personal Property committed by Officer Wallace here on the Polunsky Unit and exhaust my administrative remedies as required by the Prison Litigation Reform Act, that would allow me to file suite Under Title 42 USC section 1983 in Federal District Court and a Criminal Complaint under Texas Penal Code 31.03 Theft of Personal Property with the Polk County District County Office.

on 4-23-18, 19 Bldg Gym, at approximately 12:45 P.M. here on the Polunsky Unit, Officer Wallace confiscated my radio (headphones, coax cable connected) without cause or providing confiscation papers. I attempted to address the issue by way of a Step 1 Grievance, which the grievance was initially held for a period of 8 days before being sent back, after I filed a 2nd grievance for a separate issue. Reason "Submission EXcess 1 every 7 Days". Once that it became clear that the Grievance Department here on the Polunsky Unit attempted to prevent the filing of the grievance, deny me a access to the courts, violate my Due Process and relieve Officer Wallace of her obligation to adhered to and follow established policies and rules, I filed a Formal Complaint to Warden Jefferson. She then ensured that both grievances was filed and addressed. → Next page

The 1<sup>st</sup> and primary grievance concerning the Theft of Property states that my radio was confiscated due to extra wiring, deemed as altered and dangerous contraband, therefore was destroyed in accordance with policy.

on 6-22-18, I placed my Step 2 Grievance in the box here on the Polunsky Unit as required, addressing the fact that property was not handled Per Policy A.D. 03.72 Offender Property and my Due Process was violated as explained in Evans V Baker 442 Fed Appx 108 (5<sup>th</sup> cir 2011) cert 132 SCT 113 and Allen V Thomas 388 F3d 147 (5<sup>th</sup> cir 2004) The 5<sup>th</sup> and 14<sup>th</sup> Amendment protects against confiscation of Property. As Warden Jefferson states in my Step 1 Grievance my Property was taken and destroyed "Per Policy." [Enclosed is a copy of Step 1 & 2, Formal Complaint and I-60 to Grievance Department] As such my Due Process Rights were violated and 42 USC 1983 allow Civil Action to be brought in Federal Court regardless of any State Remedy.

Being that the time since I placed the Step 2 Grievance in the grievance box (6-22-18) have exceeded a period of 40 days without a response nor a notice of extension of time, Please note that that I am placing this Notice of Intent in the Mail Box Aug 15, 2018 and I will allow 15 working days starting Aug 17, 2018 to receive response or the locating of the Step 2 Grievance before I proceed with a suite in Federal Court and a Criminal Complaint with the Polk County District Attorney office.

I look forward to your timely response, . . .  
I leave as I came!

Respectfully,  
Shawn Adams # 79906

PLRA

Mr. Shawn Adams  
Polunsky unit/#799067  
8872 F.M. 350  
Livingston TX 77351



7011-0001 5156 1090



Letter  
Mail

